

Message Text

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FOR SONNENFELDT ONLY FROM FUERTH

E.O. 11652: GDS

TAGS: OVIP (SONNENFELDT, HELMUT)

SUBJECT: NUCLEAR NON-PROLIFERATION LEGISLATION

1. ROBINSON EXPLICITLY DIRECTED TICE

TO ENSURE THAT YOU WERE KEPT UP TO SPEED IN RAPIDLY
DEVELOPING EFFORT TO ACHIEVE COMPROMISE LANGUAGE FOR
LEGISLATION, AN EFFORT PROCEEDING UNDER VERY STRONG WHITE
HOUSE IMPETUS. CRITICAL ISSUE IS REPROCESSING, AND THERE
ARE SUBSTANTIAL POLICY VALUES AT STAKE. IN MESSAGE TO
SECRETARY YESTERDAY, ROBINSON RECOMMENDED ACCEPTING WHAT
THEN SEEMED TO BE A STABLE AGREEMENT WITH SENATOR PERCY
AS FOLLOWS: (1) LEGISLATION WOULD ESTABLISH AS NEGOTIATING
GUIDELINE A REQUIREMENT FOR U.S. TO SEEK AGREEMENT OF ALL
OTHER NATIONS TO FOREGO NATIONAL REPROCESSING AND ENRICH-
MENT, AND TO TRANSFER EXISTING FACILITIES TO INTERNATIONAL
AUSPICES; (2) U.S. WOULD NOT PRESS THIS ON SUPPLIERS
BEYOND PRO-FORMA CONSULTATIONS; (3) BUT TO PRECLUDE CHARGES
OF ADMINISTRATION NON-COMPLIANCE WITH CONGRESSIONAL INTENT,
SENATOR PERCY WOULD ENTER INTO THE RECORD HIS JUDGMENT THAT

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REPROCESSING PROVISION DOES NOT FORECLOSE POSSIBILITY OF

ENCOURAGING SUPPLIERS TO SUPPORT SPECIFIC NON-PROLIFERATION OBJECTIVES IN CONTEXT OF FUEL SERVICES, PENDING ESTABLISHMENT OF BROADER INTERNATIONAL REGIME. LATE YESTERDAY EVENING, SENATOR RIBICOFF RE-ENTERED THE PICTURE AND SUBMITTED REVISED LANGUAGE, SUBSTANTIALLY HARSHER THAN PERCY COMPROMISE, WHICH: (1) REQUIRES U.S. TO SEEK ASSURANCES THAT NO WEAPONS GRADE MATERIAL WILL BE PRODUCED VIA REPROCESSING OR ENRICHMENT OR STOCKPILED EXCEPT IN FACILITIES LOCATED IN (A) A MAJOR NUCLEAR SUPPLIER NATION, WHICH (B) ARE UNDER EFFECTIVE INTERNATIONAL CONTROL; (2) REQUIRES ANY INTERIM STORAGE OF IRRADIATED FUEL ELEMENTS TO BE UNDER INTERNATIONAL CONTROL; AND (3) REQUIRES THAT TRANSFER OF WEAPONS GRADE MATERIALS IN ANY FORM MUST BE UNDER INTERNATIONAL AUSPICES. THE TERM "MAJOR SUPPLIER NATIONS" WOULD BE DEFINED IN THE LEGISLATION IN TERMS OF A SPECIFIED LIST OF STATES. FACILITIES RELATIVE TO NUCLEAR WEAPONS ACTIVITIES WOULD BE EXEMPTED.

2. IN THEIR RECOMMENDATIONS TO ROBINSON, BUREAUS SPLIT AS FOLLOWS: S/P PROPOSED APPARENTLY SLIGHT TEXTUAL ADDITION TO RIBICOFF LANGUAGE WHICH, HOWEVER, WOULD PROFOUNDLY ALTER ITS INTENT BY COUNTENANCING MULTINATIONAL FACILITIES PHYSICALLY OUTSIDE TERRITORY OF SUPPLIERS, PROVIDING THESE FACILITIES WERE UNDER INTERNATIONAL AUSPICES AND INVOLVED SUPPLIER PARTICIPATION (CHARACTER OF WHICH UNSPECIFIED). OES STRONGLY OPPOSES RIBICOFF APPROACH, EVEN AS MODIFIED BY S/P, ON GROUNDS IT CREATES TWO CLASSES OF STATES -- SUPPLIERS AND ALL OTHERS -- AND PATENTLY ATTEMPTS TO CONFIRM FORMER IN POSITION OF PERMANENT DOMINANCE AS VENDORS OF FUEL SERVICES. GEORGE VEST OVERRODE HIS STAFF, WHICH INCLINED TO S/P VIEW, AND TOOK POSITION THAT OES ARGUMENT HAS EDGE ON GROUNDS THAT SUPPLIERS THEMSELVES WILL HARDLY THANK US IF OUR LEGISLATION VIVIDLY ESTABLISHES A PERCEIVED ROLE FOR THEM, VIA THE SUPPLIERS GROUP, AS PART OF WHAT WILL SEEM TO MANY AS U.S. EFFORT TO CARTELIZE THE FUEL SERVICES MARKET.

3. ROBINSON, ALTHOUGH AWARE OF FORCE OF VEST'S ARGUMENT, OPTED FOR S/P FIX ON GROUNDS WHICH APPEAR TO BE THE
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FOLLOWING: (1) WHITE HOUSE DOES NOT WISH TO BREAK OFF EFFORT TO ACHIEVE POSITIVE COMPROMISE ON LEGISLATION; (2) OES' DESIRE TO REVERT TO PERCY COMPROMISE APPEARS AS PRACTICAL MATTER TO BE INFEASIBLE, GIVEN RIBICOFF'S INTERVENTION; (3) IN THIS FRAMEWORK, RESIDUAL CHOICE IS DAMAGE-LIMIT; (4) S/P FIX HAS MERIT OF OFFERING DAMAGE-LIMITING FIX TO RIBICOFF, AND PUTTING BALL IN HIS COURT. MEANWHILE, POSSIBILITY GROWS THAT ADJOURNMENT OF

CONGRESS WILL TERMINATE THIS PROCESS.

4. COMMENT: VEST'S ARGUMENT IS POWERFUL, BUT THE OVER-ALL POLITICAL FRAMEWORK ON BALANCE ARGUES FOR ROBINSON'S DECISION. AN OVER-ALL OPTION FOR THE SECRETARY, HOWEVER, IF HE WISHED TO EXPEND THAT KIND OF CAPITAL, WOULD BE TO INTERVENE AND SAY THAT EVEN WITH FIXES, LEGISLATION IS MOVING INTO AREAS PREJUDICIAL TO AMERICAN INTERNATIONAL INTERESTS. AT MINIMUM, IF WE GET TO THE POINT OF ADMINISTRATION PUBLIC ENDORSEMENT OF LEGISLATION OF THIS TYPE, WE SHOULD RECOGNIZE THAT IMPACT ON SUPPLIERS IS LIKELY TO BE AS PROFOUND AS ANYTHING PRESIDENT MAY SAY IN FORM OF EXECUTIVE BRANCH INITIATIVE ON NUCLEAR ISSUES. PREPARATIONS TO BRIEF SUPPLIERS AND OTHERS HAVE SO FAR BEEN ORIENTED TO PRESIDENTIAL INITIATIVE, AND IN MY VIEW HAVE BLIND SPOT WITH RESPECT TO IMPACT OF LEGISLATION.

5. POSTSCRIPT. I UNDERSTAND VEST, DESPITE HIS RESERVATIONS, RECOGNIZES VALIDITY OF ROBINSON'S ASSESSMENT, GIVEN PREMISE THAT PROCESS OF SEEKING ACCOMMODATION SHOULD CONTINUE. ROBINSON

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